

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

<b>RIGGS TECHNOLOGY</b>	)	
<b>HOLDINGS, LLC,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 6:21-cv-00159</b>
<b>v.</b>	)	
	)	
<b>DIVERSYS LEARNING, INC.</b>	)	<b>JURY TRIAL DEMANDED</b>
<b>Defendant.</b>	)	

**PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT  
INFRINGEMENT**

Riggs Technology Holdings, LLC (“Riggs”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 7,299,067 (“the ‘067 patent”) (referred to as the “Patent-in-Suit”) by Diversys Learning, Inc. (“Diversys”).

**I. THE PARTIES**

1. Plaintiff Riggs is a New Mexico Limited Liability Company with its principal place of business located in Bernalillo County, Texas.
2. On information and belief, Diversys is a corporation existing under the laws of the State of Texas, with a principal place of business located at 1101 Arrow Point Dr., Suite 302, Cedar Park, Texas 78613. On information and belief, Diversys sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas

and this judicial district. DIversys may be served through their registered agent Kelly K Bailey, 1101 Arrow Point Dr., Suite 302, Cedar Park, Texas 78613.

## **II. JURISDICTION AND VENUE**

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271, et. seq.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

## **III. INFRINGEMENT**

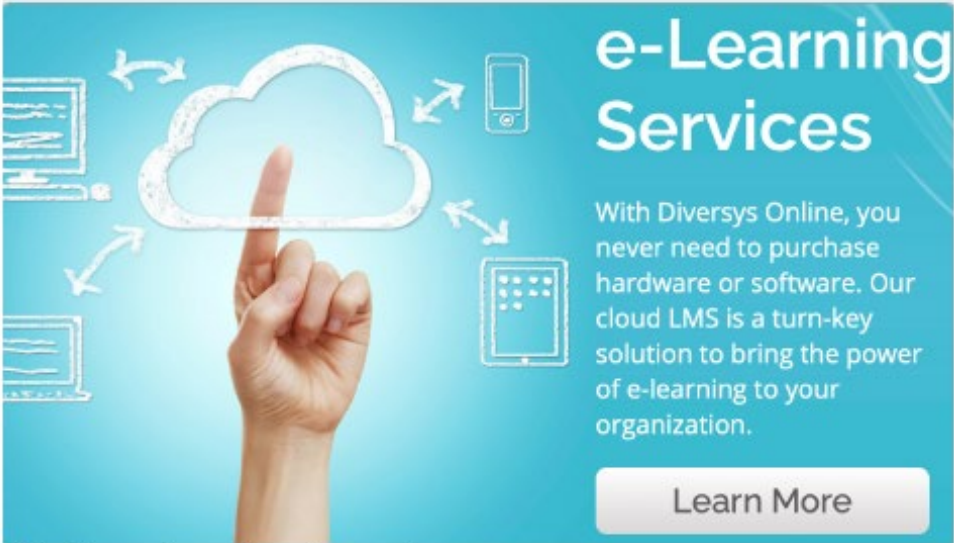
### **A. Infringement of the '067 Patent**



6. On November 20, 2007, U.S. Patent No. 7,299,067 (“the ‘067 patent”, attached as Exhibit A) entitled “Methods and Systems for Managing the Provision of Training Provided Remotely Through Electronic Data Networks to Users of Remote Electronic Devices” was duly and legally issued by the U.S. Patent and Trademark Office. Riggs owns the ‘067 patent by assignment.


7. The ‘067 patent relates to a novel and improved methods and systems for providing and managing training remotely.


8. Diversys maintains, operates, and administers online and software based training platforms, products and services that facilitate remote training that infringes one or more claims of the ‘067 patent, including one or more of claims 1-18, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the ‘067 Patent into service (i.e., used them); but for Defendant’s actions, the claimed-inventions embodiments involving Defendant’s products and services would never have been put into service. Defendant’s acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant’s procurement of monetary and commercial benefit from it.


9. Support for the allegations of infringement may be found in the following preliminary table:


US7290067 B2	Diversys Learning
<p>1. A method of managing training completed remotely at a hand held device, said method comprising the step of:</p>	<div data-bbox="483 254 1430 457"> <div> <b>Diversys Learning</b> inc.  <small>Custom e-Learning Solutions</small> </div> <div> <b>Products</b>  <b>Contact</b> </div> <div> <b>Courses</b> </div> <div> <b>Demos</b> </div> <div> <b>Company</b> </div> <div>       ☎ 1.866.631.5772   ✉ info@diversyslearning.com     </div> </div> <div data-bbox="483 506 1430 1045">  <p><b>e-Learning Services</b></p> <p>With Diversys Online, you never need to purchase hardware or software. Our cloud LMS is a turn-key solution to bring the power of e-learning to your organization.</p> <p><a href="#">Learn More</a></p> </div> <div data-bbox="483 1052 1430 1264"> <p><a href="http://www.diversyslearning.com/">http://www.diversyslearning.com/</a></p> <p>Diversys Learning has a method of managing training completed remotely at a hand held device.</p> <p>The reference includes subject matter disclosed by the claims of the patent after the priority date.</p> </div>

<b>US7200067 B2</b>	<b>Diversys Learning</b>
<p>receiving at a training server training data transmitted to the training server through a data network from a user of a hand held device, the training data representing training taken by the user at hand held device;</p>	<div data-bbox="695 254 1209 365" style="text-align: center;">  <p>Food Safety Manager Certification Training</p> </div> <p>PrepSafety.com helps you prepare for the Food Safety Manager Certification Exam:</p> <div data-bbox="508 541 1396 735"> <ul style="list-style-type: none"> <li>✓ Self-Paced Food Manager Course (based on FDA Food Code)</li> <li>✓ 50 Multiple-Choice Food Manager Practice Exam</li> <li>✓ Printable Study Material Based on the Course</li> <li>✓ <u>Mobile-Friendly Online Course and Practice Exam</u></li> </ul> </div> <div data-bbox="802 783 1112 850" style="text-align: center; background-color: #4CAF50; color: white; padding: 10px; margin: 10px 0;"> <b>Get Certified</b> </div> <div data-bbox="889 863 1015 903" style="text-align: center; background-color: #f5f5f5; padding: 5px; margin: 10px 0;">         Today »       </div> <div data-bbox="818 953 1421 997" style="text-align: center;"> <b>Course Features &amp; Practice Exam</b> </div> <div data-bbox="834 1031 1388 1333"> <ul style="list-style-type: none"> <li>✓ Self-paced, 5-hour online training course</li> <li>✓ Downloadable resource materials for off-line study</li> <li>✓ 50 question practice exam</li> <li>✓ Optional voucher to take official certification exam at any Pearson Vue testing center</li> </ul> </div> <div data-bbox="487 1094 836 1346" style="text-align: center;">  </div> <p><a href="http://www.diversyslearning.com/courses-food-safety-manager-certification.htm">http://www.diversyslearning.com/courses-food-safety-manager-certification.htm</a></p> <p>The reference describes receiving at a training server training data transmitted to the training server through a data network from a user of a hand held device, the training data representing training taken by the user at hand held device.</p>

US7299067 B2	Diversys Learning		
<p>receiving identifying information for the user of a hand held device concurrently with the training data file;</p> <p>identifying the user of the hand held device;</p>	<p><b>Here's Why...</b></p> <ul style="list-style-type: none"> <li>✓ No hardware or special software is required</li> <li>✓ On-demand LMS services</li> <li>✓ Scalability</li> <li>✓ Multi-level User Management</li> <li>✓ Secure and customized <u>account registration</u> and course enrollment</li> </ul>	<p><b>Start Training This Week...</b></p> <p>Your custom learning management system can be ready within days, depending on the complexity of the features you require.</p> <p>Once your VLP is live, your students can access the learning portal from any internet connection. No special software or hardware is required. All they need is an Internet connection and a standard Internet browser.</p> <p>VLP technology can work within your existing secure intranet environment.</p>	<p><b>Reports That Meet Your Needs...</b></p> <p>Training administrators have 24 x 7 web access to all student and training data via the Reporting Center, which comes standard with VLPs.</p> <p>We have created over 30 standardized reports for our VLP based on years of experience. You can also create thousands of customized variations with our Advanced Reporting Tool.</p> <p>Reporting can be administrator-driven, or be set up to auto-run on your time schedule and delivered via email.</p> <div data-bbox="1299 1323 1412 1417">  <p>Privacy - Terms</p> </div> <p><a href="http://www.diversyslearning.com/products-learning-portal.htm">http://www.diversyslearning.com/products-learning-portal.htm</a></p> <p>The reference describes receiving identifying information for the user of a hand held device concurrently with the training data file.</p> <p>The reference describes identifying the user of the hand held device.</p>

US7200067 B2	Diversys Learning		
<p>authenticating the identify of the user of the hand held device by requesting authentication data from the user and comparing the authentication data with a master user identification template containing authentication data associated with the user and accessible by the training server to determine if said comparison authenticates the user's identify as an authorized trainee;</p>	<p><b>Here's Why...</b></p> <ul style="list-style-type: none"> <li>✓ No hardware or special software is required</li> <li>✓ On-demand LMS services</li> <li>✓ Scalability</li> <li>✓ Multi-level User Management</li> <li>✓ <u>Secure and customized account registration and course enrollment</u></li> </ul>	<p><b>Start Training This Week...</b></p> <p>Your custom learning management system can be ready within days, depending on the complexity of the features you require.</p> <p>Once your VLP is live, your students can access the learning portal from any internet connection. No special software or hardware is required. All they need is an Internet connection and a standard Internet browser.</p> <p>VLP technology can work within your existing secure intranet environment.</p>	<p><b>Reports That Meet Your Needs...</b></p> <p>Training administrators have 24 x 7 web access to all student and training data via the Reporting Center, which comes standard with VLPs.</p> <p>We have created over 30 standardized reports for our VLP based on years of experience. You can also create thousands of customized variations with our Advanced Reporting Tool.</p> <p>Reporting can be administrator-driven, or be set up to auto-run on your time schedule and delivered via email.</p> <div data-bbox="1304 1339 1414 1430">  <p>Privacy - Terms</p> </div>
	<p><a href="http://www.diversyslearning.com/products-learning-portal.htm">http://www.diversyslearning.com/products-learning-portal.htm</a></p> <p>The reference describes authenticating the identify of the user of the hand held device by requesting authentication data from the user and comparing the authentication data with a master user identification template containing authentication data associated with the user and accessible by the training server to determine if said comparison authenticates the user's identify as an authorized trainee.</p>		

<b>US7299067 B2</b>	<b>Diversys Learning</b>				
<p>recording the training data in memory associated with the training server;</p>	<div data-bbox="480 258 1412 380">  <p>Food Safety Manager Certification Training</p> </div> <div data-bbox="492 436 1318 510"> <p><b>PrepSafety.com</b> helps you prepare for the Food Safety Manager Certification Exam:</p> </div> <div data-bbox="513 569 1372 779"> <table border="0"> <tr> <td>✓ Self-Paced Food Manager Course (based on FDA Food Code)</td> <td>✓ <u>50 Multiple-Choice Food Manager Practice Exam</u></td> </tr> <tr> <td>✓ Printable Study Material Based on the Course</td> <td>✓ Mobile-Friendly Online Course and Practice Exam</td> </tr> </table> </div> <div data-bbox="802 827 1112 900"> <p><b>Get Certified</b></p> </div> <div data-bbox="480 915 1235 978"> <p><a href="http://www.diversyslearning.com/courses-food-safety-manager-certification.htm">http://www.diversyslearning.com/courses-food-safety-manager-certification.htm</a></p> </div> <div data-bbox="480 1010 1398 1066"> <p>The reference describes recording the training data in memory associated with the training server.</p> </div>	✓ Self-Paced Food Manager Course (based on FDA Food Code)	✓ <u>50 Multiple-Choice Food Manager Practice Exam</u>	✓ Printable Study Material Based on the Course	✓ Mobile-Friendly Online Course and Practice Exam
✓ Self-Paced Food Manager Course (based on FDA Food Code)	✓ <u>50 Multiple-Choice Food Manager Practice Exam</u>				
✓ Printable Study Material Based on the Course	✓ Mobile-Friendly Online Course and Practice Exam				

US7290067 B2	Diversys Learning
<p>locating at least one training file contained within the training data;</p> <p>determining status of the training file by comparing the training file with an associated master training template accessible from memory by the training server, the status including a determination if training represented by the training file meets a set criterion including at least one of: pending, incomplete, failed, passed; and</p> <p>recording training status in memory.</p>	<div data-bbox="483 268 1010 361"> <h2>Official Food Safety Manager Exam</h2> </div> <div data-bbox="1117 256 1409 533">  </div> <p>There are two ways for your managers to get certified after completing the <u>online training course</u>:</p> <ol style="list-style-type: none"> <li>1. Schedule and take the exam at one of 1,500 Pearson Vue Testing Centers in the US, or</li> <li>2. <u>Complete the official exam</u> in the Diversys <u>Online e-learning cloud</u>. (Requires a certified NRFSP proctor to administer the online exam. <a href="#">Contact us</a> for more details.)</li> </ol> <p><a href="http://www.diversyslearning.com/courses-food-safety-manager-certification.htm">http://www.diversyslearning.com/courses-food-safety-manager-certification.htm</a></p> <p>The reference describes locating at least one training file contained within the training data.</p> <p>The reference describes determining status of the training file by comparing the training file with an associated master training template accessible from memory by the training server, the status including a determination if training represented by the training file meets a set criterion including at least one of: pending, incomplete, failed, passed.</p> <p>The reference describes recording training status in memory.</p>

These allegations of infringement are preliminary and are therefore subject to change.

10. Diversys has and continues to **induce** infringement. Diversys has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., payment products and services that facilitate purchases from a vendor using a bridge computer) such as to cause infringement of one or more of claims 1–18 of the ‘067 patent, literally or under the doctrine of equivalents. Moreover, Diversys has known or should have known of the ‘067 patent and the technology underlying it from at least the date of issuance of the patent.

11. Diversys has and continues to contributorily infringe. Diversys has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., payment products and services that facilitate purchases from a vendor using a bridge computer) and related services such as to cause infringement of one or more of claims 1–18 of the ‘067 patent, literally or under the doctrine of equivalents. Moreover, Diversys has known or should have known of the ‘067 patent and the technology underlying it from at least the date of issuance of the patent.

12. Diversys has caused and will continue to cause RIGGS damage by direct and indirect infringement of (including inducing infringement of) the claims of the ‘067 patent.

#### **IV. JURY DEMAND**

RIGGS hereby requests a trial by jury on issues so triable by right.

#### **V. PRAYER FOR RELIEF**

WHEREFORE, RIGGS prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the ‘067 patent through Diversys payment links;
- b. award RIGGS damages in an amount sufficient to compensate it for Defendant’s infringement of the ‘067 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award RIGGS an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be “exceptional” under 35 U.S.C. § 285 and award RIGGS its attorneys’ fees, expenses, and costs incurred in this action;

- e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and
- g. award RIGGS such other and further relief as this Court deems just and proper.

Respectfully submitted,

**Ramey & Schwaller, LLP**

A handwritten signature in blue ink, appearing to read 'WPR', enclosed within a large, loopy oval shape.

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